



YOR919990018US1

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S. Zard  
10/1/02

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## PATENT APPLICATION

Applicant(s): Kanevsky et al.  
Case: YOR919990018US1  
Serial No.: 09/239,109  
Filing Date: January 27, 1999  
Group: 2152  
Examiner: Jason D. Cardone

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

Signature: [Signature] Date: September 19, 2002

Title: A Virtual Shadow Briefcase in Servers Supporting Moving Embedded Clients

APPEAL BRIEF

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Assistant Commissioner for Patents  
Washington, D.C. 20231

Box AF

SIR:

Applicant hereby appeals the final rejection dated April 18, 2002, of claims 1 through 60 of the above-identified patent application.

REAL PARTY IN INTEREST

The present application is assigned to International Business Machines Corporation, as evidenced by an assignment recorded on January 27, 1999 in the United States Patent and Trademark Office at Reel 9738, Frame 0130. The assignee, International Business Machines Corporation, is the real party in interest.

RELATED APPEALS AND INTERFERENCES

There are no related appeals and interferences.

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STATUS OF CLAIMS

Claims 1 through 60 are pending in the above-identified patent application. All claims stand rejected under 35 USC §103(a) as being anticipated by

Lincke et al., United States Patent Number 6,253,074, in view of Pepe et al., United States Patent Number 6,256,498.

#### STATUS OF AMENDMENTS

5           An amendment under 37 CFR 1.116(a) was filed on June 18, 2002. This amendment proposed changes to dependent claim 60, which depends from independent claim 1. In an Advisory Action dated July 9, 2002, the Examiner stated that the proposed amendment would be entered for purposes of appeal. Therefore, the present claims include the changes made in the amendment filed on June 18, 2002.

#### SUMMARY OF INVENTION

10           The present invention is directed to techniques for providing a "virtual shadow briefcase." As an embedded client, such as a wrist watch, digital notepad or digital camera, moves within the range of a computer system, the computer system  
15       detects the proximity of the embedded client and loads a number of applications. The applications are part of a "briefcase." These applications can include speech recognition, handwriting recognition, user verification or identification, and natural language understanding applications. Generally, the embedded client provides an interface between a user and the application that has been loaded into the computer. For instance,  
20       an embedded client in a digital notepad could pass handwritten information to a handwriting recognition application that has been loaded into the computer system.

          The present invention allows a client, and its user, to move around, yet have access to applications that are useful for the client and the user. The briefcase of applications shadows the user by following the user, who is using the client. As the user  
25       moves, the briefcase and its applications are transferred from one computer system to another. The applications are loaded into a computer system close to the user so that the number and types of communication links are kept to a minimum and the needed computing power due to the applications is spread among many such computer systems instead of being concentrated in one or a few computer systems.

### ISSUE PRESENTED FOR REVIEW

Whether claims 1 through 60 are properly rejected under 35 U.S.C. §103(a) as being unpatentable over Lincke et al., United States Patent Number 6,253,074, in view of Pepe et al., United States Patent Number 6,256,498.

5

### GROUPING OF CLAIMS

The rejected claims do not stand and fall together. More particularly, for the reasons given below, Applicant believes there are three groups that independently stand and fall together: (I) independent claim 1 and dependent claims 2 through 9, 2, 15, 10 18 through 53, and 57 through 59; (II) dependent claims 10, 11, 13, 14, 16, 17, and 60; and (III) dependent claims 54 through 56.

### ARGUMENT

Claims 1 through 60, of which claim 1 is the only independent claim, 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lincke et al., United States Patent Number 6,253,074 (hereinafter, "Lincke"), in view of Pepe et al., United States Patent Number 6,256,498 (hereinafter, "Pepe"). In particular, for sole independent claim 1, the Examiner asserted that Lincke discloses the invention as claimed except for that the client can cause CPUs to execute application programs within a proxy server. 20 The Examiner further asserts that Pepe discloses remote proxy servers executing applications. The Examiner asserted that it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate running a program on a proxy server, taught by Pepe, into the mobile communication system, taught by Lincke, since Pepe suggests wireless Internet connections, similar to the 25 wireless Internet access disclosed by Lincke.

The present argument is split into three sections, one for each of the sets of claims that Applicants believe stand or fall together.

30

(I) Independent Claim 1 and Dependent Claims 2-9, 11, 15, 18-53, and 57-59

Independent claim 1 describes a computer system that is coupled to one or more second computer systems through computer interfaces. The computer system also comprises communication interfaces capable of receiving client signals. The computer system has an application process that determines, from the client signals, whether a client is within a range of communication. The application process requests and receives application programs from one or more of the second computers. The computer system executes an application program when the client requests the application program. This representation is used below in order to compare independent claim 1 with the cited art.

Applicants respectfully submit that neither Lincke nor Pepe, alone or in combination, teach or imply the following limitations, in sole independent claim 1: “an application process that” (a) “determines from one or more client signals that one or more clients are within the range of communication and that” (b) “requests and receives one or more of the application programs through the computer interface from one or more of the second computers so that one or more clients can cause one or more of the CPUs to execute one or more of the application programs, the one or more CPUs executing the one or more application programs when the one or more clients request the one or more application programs.” Thus, the application process performs both limitations (a) and (b).

Applicants read Lincke as disclosing a communication system for securely transmitting a message between a wireless client and a proxy server. See Abstract of Lincke. The wireless client contains “wireless applications,” which are defined in Lincke as “a program or a set of hyper-linked documents.” A “program” is defined as “a sequence of instructions that can be executed by a computer.” See col. 8, lines 1-5 of Lincke. FIG. 1 of Lincke shows a wireless communications device 100 that contains wireless application 106. The wireless application 106 sends a query form 105 through wireless and wired networks as CTP queries 122, 124 and HTTP query 126. The proxy server 180 converts CTP queries and responses to HTTP queries and responses. See col. 10, lines 1-6 of Lincke. The web server 140 sends an HTTP response 136 that becomes CTP responses 134, 132 and query response 107. Lincke further states the following, at col. 9, lines 16-39 of Lincke:

The wireless application 106 represents one of many predefined applications that are stored locally on the wireless communications device 100. Each wireless application represents a static portion of a web site tree. That is, this information does not change significantly over time. The web site tree is the data structure representing the hyper-linked web pages of a web site. (Note that the tree is actually usually a graph.) Each predefined application is used for accessing a different web site. The predefined applications can be downloaded to the wireless communications device 100 through wireless communications, but more typically, they are downloaded through a docking cradle or through infrared communications with another wireless communications device 100.

....  
The query response 107 represents the dynamic data in the web site tree (the data that can change often). The query response 107 includes information retrieved from the web server 140.

Thus, the cited text indicates that the wireless application is static and that dynamic data is downloaded via queries.

Applicants can find no indication in Lincke of an application process or entity that performs either limitation (a) or (b). Additionally, it is unclear as to which device in Lincke the Examiner is equating with which limitation in Applicants' independent claim 1. For the sake of argument, Applicants will equate each device of FIG. 1 of Lincke with the "computer system" of Applicants' independent claim 1 so that Applicants can show that, regardless of which device in Lincke is chosen, Lincke does not disclose or imply an application process that performs limitations (a) and (b).

If the "proxy server 180" of Lincke is equated with the "computer system" of Applicants' independent claim 1, the proxy server 180 of Lincke does not meet either limitation (a) or limitation (b). Although Lincke does imply that users will move from area to area and will therefore change proxy servers 180 (see col. 111, lines 29-69 of Lincke), there is no indication in Lincke that proxy server 180 determines whether a client is within a range of communication, as claimed in limitation (a). Moreover, the proxy server 180 does not request and receive application programs and execute application programs when a client requests the application programs, as claimed in limitation (b). Instead, proxy server 180 converts CTP queries and responses to HTTP queries and responses. See col. 10 of Lincke.

If the “web server 140” of Lincke is equated with the “computer system” of Applicants’ independent claim 1, the web server 140 does not meet either limitation (a) or (b). As described in Lincke, “The web server 140 responds to web accesses. The web server 140 serves regular, and specially constructed, HTML pages.” There is no indication in Lincke that the web server 140 requests and receives application programs and executes application programs when a client requests the application programs, as claimed in limitation (b). Moreover, there is no indication in Lincke that web server 140 determines whether a client is within a range of communication, as claimed in limitation (a).

If the “base station 170” of Lincke is equated with the “computer system” of Applicants’ independent claim 1, the base station 170 of Lincke does not meet either limitation (a) or limitation (b). There is no indication in Lincke that the base station 170 determines whether a client is within a range of communication, as claimed in limitation (a). Additionally, there is no indication in Lincke that the base station 170 requests and receives application programs and executes application programs when a client requests the application programs, as claimed in limitation (b).

If the “wireless communications device 100” of Lincke is equated with the “computer system” of Applicants’ independent claim 1, the wireless communications device 100 of Lincke still does not meet either limitation (a) or limitation (b). The wireless communications device 100 does execute wireless applications. However, in limitation (a), an application process determines, from one or more client signals, that a client is within a communication range of the computer system. Furthermore, in limitation (b), a CPU executes an application program when the client requests the application program. It is unclear as to what the “client” is in FIG. 1 of Lincke when a “computer system” is equated with wireless communications device 100 of Lincke. If a “client” is a user of the wireless communications device 100, then the wireless communications device 100 would have to determine, through a client signal, that the client was within a communication range of the computer system. But there is no indication in Lincke that there is a “client signal” associated with a user. None of the other devices disclosed in Lincke are suitable for being a “client,” as none of the devices

in Lincke are associated with “client signals” used to determine if a client is within range of the wireless communications device 100.

Because, when “wireless communications device 100” of Lincke is equated with the “computer system” of Applicants’ independent claim 1, there is no “client” associated with a “client signal” suitable for determining if a client is within  
5 range of the wireless communications device 100 of Lincke, then Lincke does not disclose or imply an application process that performs the limitations (a) and (b).

It should be noted that, in FIG. 14, Lincke discloses an alternative embodiment of FIG. 1. In FIG. 14 of Lincke, a user computer 1482 and its wireless and internet communications program 1486 are used instead of the base station 170 and proxy  
10 server 180. However, if the “user computer 1482” or “wireless and internet communications program 1486” of Lincke is equated with the “computer system” of Applicants’ independent claim 1, the user computer 1482 and the wireless and internet communications program 1486 of Lincke do not meet either limitation (a) or limitation  
15 (b). There is no indication in Lincke that the user computer 1482 or the wireless and internet communications program 1486 determines whether a client is within a range of communication, as claimed in limitation (a). Additionally, there is no indication in Lincke that the user computer 1482 or the wireless and internet communications program 1486 requests and receives application programs and executes application programs when  
20 a client requests the application programs, as claimed in limitation (b).

Because Lincke does not disclose or imply an application process that performs limitations (a) or (b), Lincke does not anticipate or render obvious the limitations in independent claim 1.

The Examiner asserts that Pepe discloses remote proxy servers executing applications. Therefore, the Examiner asserts that the combination of Pepe and Lincke  
25 render independent claim 1 obvious and unpatentable.

Applicants read Pepe in the following manner. As shown in FIG. 5 of Pepe, a web browser 54 communicates with a local proxy 56. The user enters, by using the web browser 54, a standard World-Wide Web (WWW) query. The local proxy  
30 creates a query script from the WWW query, and transmits the query script to a remote proxy 66. The remote proxy then unpackages the query script and “executes” a standard

WWW query on an external web server 68. The external web server 68 then returns a "data object," which is passed through the remote proxy 66, to the local proxy 56, and finally to the web browser 54.

Applicants respectfully submit that Pepe does not disclose or imply an application process that performs limitations (a) or (b). For instance, no mention is made in Pepe that there is any device determining whether a client is within a range of communication, as claimed in limitation (a). Moreover, there is no mention in Pepe of a device that requests and receives application programs and executes application programs when a client requests the application programs, as claimed in limitation (b).

10 The remote proxy 66 does execute a standard WWW query. Even if a "standard WWW query" is construed to be an "application program" in accordance with independent claim 1, the remote proxy 66 does not determine whether a client is within a range of communication, nor does the remote proxy 66 request application programs.

Because Pepe does not disclose or imply an application process that performs limitations (a) or (b), Pepe does not anticipate or render obvious the limitations in independent claim 1.

Because neither Lincke nor Pepe disclose or imply an application process that performs limitations (a) or (b), then both of them combined cannot disclose or imply an application process that performs limitations (a) and (b). Thus, Applicants respectfully submit that the claims in claim set (I) are patentable over the cited art.

Moreover, even if the combination of Lincke and Pepe are somehow construed to read on each limitation in independent claim 1, the combination of Lincke and Pepe teach away from the present invention, as embodied in independent claim 1. The Examiner asserts that Pepe teaches that applications can be executed on remote servers. If this assertion is true, then Pepe teaches opposite of what the present invention teaches. In the present invention, application programs are loaded onto a computer system near a client that is being worn or used by a user. The present invention overcomes the problems, as described on pages 1 and 2 of Applicants' specification, of interchanging data via communication links, having a large number of clients accessing a single computer, network limitations caused by client/server communication, and having people not be able to access a server/network. Thus, the present invention and



independent claim 1 are designed to have applications and data follow users who are wearing or using a client. But in Pepe, the *remote* proxy is the proxy that is executing applications according to the Examiner. According to the present invention, it should be the *local* proxy that executes applications. Consequently, the combination of Lincke and  
5 Pepe teach away from the present invention and these two references should not be combined.

(II) Dependent Claims 10, 11, 13, 14, 16, 17, and 60

Each of these claims contain the limitation of discarding an application  
10 when a client passes outside of the range of communication (claims 10, 11, 13, and 14), when the discarded applications have been sent to other computers (claims 16 and 17), or when the application is not executed by the CPU within a time period (claim 60). Applicants respectfully submit that these claims are separately patentable from claim set (I) because discarding an application that has been downloaded is unique. Normally,  
15 applications that are downloaded are rarely discarded. For instance, the wireless applications 106 in Lincke are intended to be static and remain in the wireless communications device 100 for a long time. In particular, users load the wireless applications 106 through physically connecting the wireless communications device 100 with a high bandwidth network. See col. 14, lines 13-27 of Lincke. It would be highly  
20 unlikely for a user to subsequently discard the wireless applications 106.

Neither Lincke nor Pepe disclose that applications are discarded, and discarded particularly when a client passes outside of the range of communication (claims 10, 11, 13, and 14), when the discarded applications have been sent to other computers (claims 16 and 17), or when the application is not executed by the CPU within a time  
25 period (claim 60). Thus, Applicants respectfully submit that the claims in claim set (II) are patentable over Lincke and Pepe, alone or in combination.

(III) Dependent Claims 54-56

Each of these claims contain the limitation of a priority order for the  
30 applications that are received by the computer system. In the present invention, a priority order is beneficial if a certain number of applications are being transferred to the

computer system. For instance, if a person commonly uses a speech processing program and rarely uses a handwriting analysis program, then it is beneficial to transfer the speech processing program first so that it is available within a short period of time. The priority order is independently patentable over the claims in claim sets (I) and (II), as there normally is no priority when applications are downloaded. For instance, in both Lincke and Pepe, a user submits a query and some Internet server answers the query. Note that this assumes that the "query" of Lincke and Pepe is equivalent to the "application program" of the claims of the present invention, and Applicants assume this solely to make a point. User interaction in these instances is serial because the user submits one query after another. There is no real priority, as the user will click on a hyperlink and then click on another hyperlink.

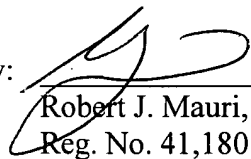
As described above, neither Lincke nor Pepe disclose receiving applications in a priority order. Thus, Applicants respectfully submit that the claims in claim set (II) are patentable over Lincke and Pepe, alone or in combination.

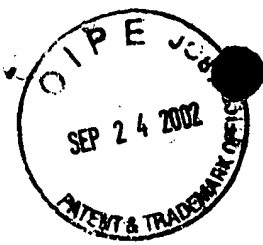
Applicants respectfully submit that the claims of record are patentable over the cited art. The attention of the Examiner and the Appeal Board to this matter is appreciated.

Respectfully submitted,

Dated: September 19, 2002

By:

  
Robert J. Mauri,  
Reg. No. 41,180  
Ryan, Mason & Lewis, LLP  
1300 Post Road, Suite 205  
Fairfield, CT 06430  
(203) 255-6560

APPENDIX

1. A computer system comprising:

5 one or more memories and one or more central processing units (CPUs);

one or more communication interfaces, each of the communication interfaces capable of receiving a client signal from one or more clients indicating that a client is within a range of communication of the computer;

10

one or more computer interfaces capable of communicating with one or more second computers, the second computers each having a computer location and one or more application programs;

15 an application process that determines from one or more client signals that one or more clients are within the range of communication and that requests and receives one or more of the application programs through the computer interface from one or more of the second computers so that one or more clients can cause one or more of the CPUs to execute one or more of the application programs, the one or more CPUs executing the  
20 one or more application programs when the one or more clients request the one or more application programs.

2. A computer system, as in claim 1, where application programs are grouped into packages and one or more clients are linked to packages in such a way that application  
25 programs in each package support only clients that are linked to this package.

3. A computer system, as in claim 2, where all clients that are wearable by one person are linked to one package of application programs.

4. A computer system, as in claim 1, where the communication interface receives a second client signal when one or more clients pass outside of the range of communication.

5 5. A computer system, as in claim 4, where the communication interface receives a second client signal when one or more clients that are linked to a package of programs pass outside of the range of the communication.

6. A computer system, as in claim 5, where all clients linked to one package of programs  
10 are wearable by one person.

7. A computer system, as in claim 1, where one of the computer interfaces receives a second client signal when one or more clients pass outside of the range of communication.

15

8. A computer system, as in claim 1, where the computer determines that one or more clients pass outside of the range of communication.

9. A computer system, as in claim 8, where one or more clients that pass outside of the  
20 range of communication are linked to the same package.

10. A computer system, as in claim 8, where the computer discards one or more of the applications after one or more client pass outside of the range.

25 11. A computer system, as in claim 10, where all applications in one package are discarded after all clients that are linked to this package pass outside of the range.

12. A computer system, as in claim 8, where the computer determines whether one or more clients are outside of range by measuring distance from this computer to these  
30 clients.

13. A computer system, as in claim 8, where the computer discards one or more of the applications after one or more clients pass outside of the range and after the discarded applications have been sent to one or more of the second computers.

5 14. A computer system, as in claim 13, where applications that are discarded belong to one package.

15. A computer system, as in claim 14, where all clients that are linked to the package pass outside of the range.

10

16. A computer system, as in claim 1, where the computer discards one or more of the applications after the discarded applications have been sent to one or more of the second computers.

15 17. A computer system, as in claim 16, where all discarded applications belong to the same package.

18. A computer system, as in claim 16, where the second computer is less busy than the computer.

20

19. A computer system, as in claim 1, where the communication interface includes any one or more of the following: a radio link, an infrared link.

20. A computer system, as in claim 1, where the computer interface includes any one or  
25 more of the following: a network, a wide area network, a local area network, an internet, an intranet, a telephone network, a radio frequency network.

21. A computer system, as in claim 1, where the client includes any one or more of the following: a moving computer, a pen input device, a personal data assistant, a watch, a  
30 palm top, a telephone, a key, a speech recognition system.

22. A computer system, as in claim 1, that is incorporated in any one or more of the following: a printer, a television, a microwave, a refrigerator, a car, a public structure, a lamppost, a mail box.

5 23. A computer system, as in claim 1, where one or more of the second computers is a main computer that has copies of all of the applications as backup.

24. A computer system, as in claim 1, where one or more of the second computers is a local computer that has copies of all applications for all clients that are in a communication range of another second computer that is in a communication range with the local computer.

10

25. A computer system, as in claim 1, where one or more clients send a request for some item or application in a package to one or more second computers and if such application or an item is not available one or more second computers send a request for this application or item to a main computer and the main computer performs the requested application for these one or more clients or sends the requested item to the one or more clients.

15

20 26. A computer system, as in claim 25, where the requested item and application are sent to packages in one or more second computers that are linked to one or more clients that requested this item or application.

27. A computer system, as in claim 24, where one or more clients send a request for some item/application in a package and an address of the local computer to one or more second computers.

25

28. A computer system, as in claim 27, where the item/application is sent to the client if it is found on one or more second computers.

30

29. A computer system, as in claim 28, where one or more second computers check whether they are in a communications range from the local computer at the address that was sent by the client.

5 30. A computer system, as in claim 29, where the local computer checks whether it has the requested item/application if it is in the range of communication from one or more second computers and where the local computer sends the requested item/application if the local computer found the item/application.

10 31. A computer system, as in claim 29, where the request/application and the address of the local computer is sent to a main server if it was found that the local server is not in the communication range of one or more second computers.

15 32. A computer system, as in claim 31, where the item/application from the main server is sent to the client that requested this item/application if this item/application was found.

33. A computer system, as in claim 31, where the request for the item/application was sent to the local server at the address that was received by the main server if this item/application was not found in the main server.

20

34. A computer system, as in claim 33, where the local server sends the item/application to the main server and the main server sends this item/application to the client.

25 35. A computer system, as in claim 1, where one or more of the applications is an application portion.

36. A computer system, as in claim 35, where the application portion is a front end of a speech recognition system.

30 37. A computer system, as in claim 36, where the front end of the speech recognition system includes a microphone and signal processor.

38. A computer system, as in claim 35, where the application portion is a front end of a word processing system.

5 39. A computer system, as in claim 38, where the front end of the word processing system includes a keyboard.

40. A computer system, as in claim 35, where the application portion includes any one or more of the following: an automatic speech recognition front end, an automatic  
10 handwriting recognition system front end, a user verification system front end, a user identification system front end, a natural language understanding system front end.

41. A computer system, as in claim 1, where part of the application remains as a second portion on one or more of the second computers.

15

42. A computer system, as in claim 41, where the second portion includes any one or more of the following: an automatic speech recognition back end, an automatic handwriting recognition user verification system back end, a user identification system  
back end, a natural language understanding system back end, a word processing system  
20 back end, and a database.

43. A computer system, as in claim 35, where the application portions are classified in accordance with how processes that are needed to run these applications can be handled.

25 44. A computer system, as in claim 43, where processes can be handled to be run in parallel, can be shared by different applications or can be substituted.

45. A computer system, as in claim 44, where application portions are classified as parallel, shared or substituted.

30



46. A computer system, as in claim 45, where the application portions are scheduled to be run in CPUs and memories in accordance with their classification.

47. A computer system, as in claim 41, where one or more of the second portions run in parallel with one or more of another second portions.

48. A computer system, as in claim 41, where one or more of the second portions is shared by different clients.

49. A computer, as in claim 41, where one or more of the second portions belong to the same package.

50. A computer, as in claim 41, where one or more of the second portions belong to different packages.

51. A computer system, as in claim 41, where one or more of the second portions shares the same data stored by one or more of another second portions.

52. A computer system, as in claim 51, where one or more of the second portions are signal processing that perform on inputs from different mikes located on different clients.

53. A computer system, as in claim 41, where one or more of the second portions are the following: Automatic Speech Recognition (ASR) and Automatic Handwriting Recognition (AHR).

54. A computer system, as in claim 1, where the applications are received in a priority order.

55. A computer system, as in claim 54, where priority order includes the following: applications that are currently used by a user, applications that are shared by many users,

applications that shared by small number of users, applications that involve clients that are wearable by a user.

56. A computer system, as in claim 54, where priority order is defined by history data on  
5 how often some applications were used.

57. A computer system, as in claim 1, where the applications are received from a backup computer if communication with second computer fails.

10 58. A computer system, as in claim 1, where the client signal is received from one or more of the following location devices: a pressure sensor, an ultrasonic detector, a radio frequency tag, a motion detector.

59. A computer system, as in claim 1, where the applications include any one or more of  
15 the following: a web browser, a financial program, a word processing program, a search engine, a database used by the application, a general database.

60. A computer system, as in claim 1, where selected one or more of the applications are discarded if the selected one or more applications are not executed by one or more of the  
20 CPUs within a time period.



AF 2700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT APPLICATION

Applicant(s): Kanevsky et al.  
Docket No.: YOR919990018US1  
Serial No.: 09/239,109  
Filing Date: January 27, 1999  
Group: 2152  
Examiner: Jason D. Cardone

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231  
Signature: [Signature] Date: September 19, 2002

Title: A Virtual Shadow Briefcase in Servers Supporting Moving Embedded Clients

TRANSMITTAL OF APPEAL BRIEF

Assistant Commissioner of Patents  
Washington, D.C. 20231

Box AF

Sir:

RECEIVED  
OCT 01 2002  
Technology Center 2100

Submitted herewith are the following documents relating to the above-identified patent application:

- (1) Appeal Brief (original and two copies), and
- (2) Copy of Notice of Appeal, filed on July 18, 2002, with copy of stamped return postcard indicating receipt of Notice by PTO on July 23, 2002.

There is an additional fee of \$320 due in conjunction with this submission under 37 CFR §1.17(c). Please charge **IBM Corporation's Deposit Account No. 50-0510** the amount of \$320.00 to cover this fee. In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **IBM Corporation's Deposit Account No. 50-0510** as required to correct the error. Duplicate copies of this letter and two copies of the Appeal Brief are enclosed.

Respectfully,

Date: September 19, 2002

[Signature]  
Robert J. Mauri  
Attorney for Applicant(s)  
Reg. No. 41,180  
Ryan, Mason & Lewis, LLP  
1300 Post Road, Suite 205  
Fairfield, CT 06430  
(203) 255-6560